

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

U.S.A. vs. Michael Sean Stewart

Docket No. 5:04-CR-84-1BO

Petition for Action on Supervised Release

COMES NOW Scott Plaster, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Sean Stewart, who, upon an earlier plea of guilty to Conspiracy to Distribute and Possess with the Intent to Distribute More Than 5 Grams of Cocaine Base (Crack), in violation of 21 U.S.C. §§ 841(a)(1) and 846, was sentenced by the Honorable Terrence W. Boyle, U.S. District Judge, on December 17, 2004, to the custody of the Bureau of Prisons for a term of 200 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall cooperate in the collection of DNA as directed by the probation officer.
3. The defendant shall pay a special assessment of \$100.00 and restitution in the amount of \$1,200.00.

On May 26, 2009, pursuant to the defendant's motion for a sentence reduction based upon the retroactive application of sentencing guidelines for crack cocaine offenses, the period of imprisonment was reduced from 200 months to 160 months. Also on this date, based upon the government's motion for a sentence reduction under Rule 35, the defendant's period of imprisonment was further reduced from 160 months to 84 months.

Michael Sean Stewart was released from custody on June 12, 2009, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Following his release from prison, the defendant worked at Arby's in Kenly, N.C. until August 2010. Soon after his dismissal from Arby's, Mr. Stewart made the decision to pursue a career as a truck driver; however, he is unable to afford the cost of tuition and books. Through funds

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made available by the Second Chance Act, the defendant requested financial assistance in order to cover the cost of tuition and books for the N.C. Truck Driver Training School at Johnston Community College in Smithfield, N.C. Mr. Stewart is in compliance with all of the terms and conditions of his supervised release. As such, we are recommending that Mr. Stewart's supervised release be modified to include participation in a vocational training program in order to hold him accountable for the financial assistance provided to him. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a vocational training program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

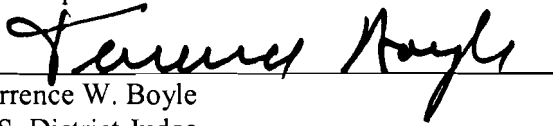
I declare under penalty of perjury that the foregoing is true and correct.

/s/Jeffrey L. Keller
Jeffrey L. Keller
Supervising U.S. Probation Officer

/s/Scott Plaster
Scott Plaster
U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: (919) 861-8660
Executed On: November 15, 2010

ORDER OF COURT

Considered and ordered this 19 day of November, 2010, and ordered filed and made a part of the records in the above case.


Terrence W. Boyle
U.S. District Judge